



ROCHESTER-OLMSTED PLANNING DEPARTMENT

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COUNTY OF
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Amendment to LDM 62.910 Comprehensive Special District

October 25, 2017

Prepared By: Rochester-Olmsted Planning Staff

Request: Text Amendment #R2017-010TA, initiated by the City Council to amend Section 62.910 of the Land Development Manual and Zoning Ordinance, regarding Comprehensive Special Districts. The provisions address amended language regarding the requirements to amend a Comprehensive Special District.

Initiated by: City of Rochester Common Council

Background:

On October 2, 2017, the Common Council formally initiated a proposed amendment to the Land Development Manual and Zoning Ordinance by its adoption of the following motion:

Motion to initiate a text amendment that would require the property owners of all property located within a special district to agree to any petition seeking the amendment of that special district.

Existing Ordinance Language:

The existing language in the Land Development Manual, **Section 62.910 Comprehensive Special District**, identifies a process to initiate a Comprehensive Special District through one of two options:

- 1) One or more landowners may petition the Council to adopt Special District Regulations when all lands are under the ownership of the applicant(s);
- 2) One or more landowners shall request the Council or Commission to initiate a Special District proposal where all properties within the proposed zoning district are not under the sole ownership of those requesting the initiating action.

Note: A petition to establish or amend a Special District is subject to a Type III, Phase II Review which includes public hearings with both the City Planning Commission and City Council.



Development Review: County Building/Well/Septic, Permitting & Zoning
Geographic Information Systems: Addressing, Data & Mapping • **Land Use & Transportation:** Planning, Policy & Analysis

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

City Attorney Drafted Language for Consideration:

The following is the proposed language provided by the City Attorney to address the City Council motion (underline denotes changed text):

62.910. COMPREHENSIVE SPECIAL DISTRICT: Subdivision 1. A comprehensive Special District may be initiated or amended in the following manner:

- A. *One or more landowners may petition the Council to adopt or amend a Special District Ordinance when all lands are under the ownership of those requesting the adoption or amendment.*
- B. *One or more landowners shall request the Council or Commission to initiate the adoption or amendment of a Special District Ordinance when all lands within the proposed or existing zoning district are not under the sole ownership of those requesting the adoption or amendment.*

Subd. 2. Notwithstanding any provision in any special district ordinance to the contrary, the amendment of any special district ordinance must be initiated as provided in this section.

Planning Department Review – Impacts to Consider:

- There are 24 Special Districts approved by the City Council. Some of those have established development procedures that could be negatively impacted by adding 62.910, Subd. 2 above.
- A number of the existing Special Districts are large area developments, containing multiple or many parcels that were anticipated to develop incrementally over time. Some of the Special Districts did not specify uses or site plans for all properties, and require a future owner/developer to submit a petition for approval of that specific site.
- Adding a blanket change that would impact all 24 Special Districts could (i.e. Sub.2 above) will likely limit the ability of remaining undeveloped parcels of land from developing and/or from making project improvements that require an amendment to that specific Special District.

Below is a partial listing of large area Special Districts, as examples where obtaining signatures of ALL owners of property (developed and undeveloped lands) within the Special District could conceivably be unattainable due to the sheer number of parcels and diversity of owners. In some cases, owners may be out of state, out of the Country, or include corporate or business establishments with remote headquarters and a difficult path to reaching an authority who could sign a petition.

- Arboretum Special District 400 + acres
- Pebble Creek Special District 390 + acres
- Highland Preserve Special District 500 + acres
- Harvestview II Special District 150 + acres
- Fox Knob Special District 50 + acres
- Foxcroft Special District 100 + acres
- Hadley Creek Special District 100 acres

A complete listing of approved Special District is attached for reference.



Alternatives to Consider:

If the City Council could narrow their concerns to one or two existing Special Districts, the Council has the following options:

- 1) amend Section 62.910 using language drafted by the City Attorney but establish that language as a requirement that applies to specified Special Districts, or
- 2) Initiate an amendment to the specific Special District(s) Ordinances to include the language drafted by the City Attorney, making it clear within that Ordinance what requirements must be met.

These options allow the City Council to tailor language to amend a specific Special District that will not cause unintended conflicts within the other existing Special Districts in the City.

Recommendation and Action Requested

Recommendation:

Planning Staff recommends that Council pursue one of the alternative options above to address specific concerns, and avoid conflicts with most the existing Special Districts. Staff prefers Option 2, since it would be a clearer means of communicating policy applicable to the specified Special District(s), and would track with the property and be simpler to administer.

Process and Action Requested:

Amendments to the Rochester Zoning Ordinance and Land Development Manual require a public hearing with the Rochester Planning and Zoning Commission. The Commission makes recommendation to the City Council. The City Council must also hold a public hearing, then make final a decision.

Attachments

1. Marked up Draft Amendment Language LDM 62.910
2. List of Existing Special Districts



ORDINANCE NO. ____

AN ORDINANCE AMENDING AND REENACTING SECTION 62.910 OF THE ROCHESTER CODE OF ORDINANCES, RELATING TO THE AMENDMENT OF A SPECIAL DISTRICT ORDINANCE.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Section 62.910 of the Rochester Code of Ordinances is hereby amended and reenacted so as to read as follows:

62.910. **COMPREHENSIVE SPECIAL DISTRICT:**
Subdivision 1. A comprehensive Special District may be initiated or amended in the following manner:

- A. One or more landowners may petition the Council to adopt or amend a Special District ~~Regulations~~ Ordinance when all lands are under the ownership of ~~the applicant(s)~~ those requesting the adoption or amendment.
- B. One or more landowners shall request the Council or Commission to initiate the adoption or amendment of a Special District ~~proposal~~ Ordinance ~~where~~ when all ~~properties~~ lands within the proposed or existing zoning district are not under the sole ownership of those requesting the ~~initiating action~~ adoption or amendment.

Subd. 2. Notwithstanding any provision in any special district ordinance to the contrary, the amendment of any special district ordinance must be initiated as provided in this section.

Section 2. This ordinance shall become effective as of the date of its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS _____ DAY OF _____, 2017.

PRESIDENT OF SAID COMMON COUNCIL

ATTEST: _____
CITY CLERK

APPROVED THIS _____ DAY OF _____, 2017.

MAYOR

(Seal of the City of
Rochester, Minnesota)

Ord15/62.910 marked up